

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 7175

BILL NUMBER: SB 224

NOTE PREPARED: Jan 1, 2021

BILL AMENDED:

SUBJECT: Prohibited Services Relating to Care of Minors.

FIRST AUTHOR: Sen. Kruse

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill prohibits specified health care professionals from: (1) performing certain medical procedures on a minor; or (2) subjecting a minor to certain activities; that purposely attempt to change, reinforce, or affirm a minor's perception of the minor's own sexual attraction or sexual behavior, or attempt to change, reinforce, or affirm a minor's gender identity when the identity is inconsistent with the minor's biological sex.

Effective Date: July 1, 2021.

Explanation of State Expenditures: A health care professional who performs or causes to be performed a prohibited procedure or activity is to be reported to the Department of Child Services (DCS) to be investigated as child abuse or neglect. The magnitude of increase in DCS' workload and expenditures will depend on the number and complexity of cases reported. Additionally, a health care professional who performs a prohibited procedure commits a Level 6 felony. Each violation is a separate offense.

A Level 6 felony is punishable by a prison term ranging from 6 to 30 months, with an advisory sentence of 1 year. The sentence depends on mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,524 annually, or \$9.66 daily, per prisoner. However, any additional expenditures are likely to be small.

Additional Information - Of the Indiana adult population, 0.56% identify as transgender and younger age cohorts are more likely to identify as lesbian, gay, bisexual, transgender, or questioning.

Explanation of State Revenues: The bill provides a cause of civil action for up to 20 years from the date of a violation or its discovery by an individual or the parent or guardian of a minor harmed by the violation. It also provides that a health care professional engaging in a prohibited activity commits a Class A misdemeanor. Each violation is a separate offense.

Civil Action: A civil costs fee of \$100 would be assessed when a civil case is filed. If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A portion of the fee revenue is transferred to the Indiana Bar Foundation, and one fee is deposited into the State User Fee Fund.

Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Penalty Provisions: If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Level 6 felony is \$10,000 and for a Class A misdemeanor is \$5,000.

Explanation of Local Expenditures: *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings or punished for a Class A misdemeanor for up to one year in jail, local expenditures for jail operations may increase.

Explanation of Local Revenues: *Civil Actions:* If additional civil actions occur and court fees are collected, local governments would receive additional revenue from both a portion of the civil costs fee and other fees that would be collected.

Penalty Provision: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees.

State Agencies Affected: Department of Child Services; Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

LGBTQ+ Population Quick Facts, compiled February 2019 by AJ Young, LGBTQ+ Center Director @ IUPUI; <https://www.rileychildrens.org/departments/gender-health-program>.

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